

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TERRENCE M. GORE,)	
Petitioner,)	
vs.)	No. 3:15-CV-0272-K (BH)
)	
TENE CALLAHAN,)	
Judge, 302nd Judicial District Court,)	
Respondent.)	

**RECOMMENDATION REGARDING IN FORMA PAUPERIS and
CERTIFICATE OF APPEALABILITY**

Pursuant to 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred. Before the Court are the petitioner's *Application to Proceed In District Court Without Prepaying Fees or Costs (Short Form)* (doc. 31), *Motion For Issuance of Certificate of Appealability* (doc. 32), and *Amended Motion For Issuance of Certificate of Appealability* (doc. 33), all filed on August 16, 2015. The petitioner has requested an extension of time to file a notice of appeal of the final judgment in his habeas corpus proceeding under 28 U.S.C. § 2254. Pursuant to Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), it is recommended that

IFP STATUS:

(X) The petitioner should be **DENIED** *in forma pauperis* status on appeal.

REASONS FOR DENIAL: The petitioner is not a pauper because his application shows that he has received a workers compensation award of \$29,000 and has \$7,000 in a checking or savings account. (doc. 31 at 1-2.) The Court should also certify pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith for the reasons stated in the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **July 7, 2015** (doc. 22), which were adopted by order dated **July 9, 2015** (doc. 25).

COA:

(X) The petitioner should be **DENIED** a Certificate of Appealability.

REASONS FOR DENIAL: The Court previously denied the petitioner a Certificate of Appealability by order dated **July 9, 2015** (doc. 25), for the reasons stated in the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **July 7, 2015** (doc. 22). For those same reasons, the petitioner has failed to make a substantial showing of the denial of a constitutional right. *See Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).

DATED this 25th day of August, 2015.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE